

MUSCLE SHOALS CANAL.

MEMORIAL

OF THE

LEGISLATURE OF ALABAMA,

RELATIVE TO

*Tolls to be charged on the Muscle Shoals canal.*

MARCH 8, 1848.

Referred to the Committee on Commerce, and ordered to be printed.

JOINT MEMORIAL to Congress in relation to tolls to be charged on the Muscle Shoals canal.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists respectfully represent that the canal constructed around the Muscle shoals, in the Tennessee river, in this State, is in a most lamentable state of dilapidation and decay. It was broken by the freshets of 1841, after having been in useful operation some three or four months; the embankments in many places have been torn away; the lock-gates are rotten, and burnt down, and the irons carried off. Large creeks, in high water—the guard-lock gates being destroyed—run down the channel, and must soon effect the entire destruction of the embankments; so that in a short time there will remain scarcely a wreck of a work which has cost about seven hundred thousand dollars. Your memorialists further represent that the locks on said canal, although constructed according to the plan recommended by the United States engineer and approved by the President, are entirely too short, being one hundred and twenty feet long, for the passage of such steamboats as may successfully navigate said river above the shoals. This State, owing to a heavy public debt, is not able to appropriate the means necessary to repair and reconstruct the canal; and from past indications and future prospects, we have no reason to anticipate any aid from the general government; and even if this State or the general government were able and willing to appropriate means to repair said canal, it is thought the navigation thereof would be more certain and constant if it were confided to the watchfulness of private enterprise. Owing to the great number of creeks which, in the winter and spring, pour their floods into the canal, it will always demand the closest vigilance and care to prevent it from being annually torn up; hence it is thought best to intrust it

to individual enterprise, and thus present at once a reward for vigilance, and a punishment for neglect in its management. In view, therefore, of these facts, and of the great importance of the work to the commerce of this State, and the State of Tennessee; and the fact that in a short time the enterprising and public spirited State of Georgia will have completed her railroad improvements to Chattanooga, thereby emptying on the bosom of the Tennessee a stream of trade from the north and east, that, with the proper facilities in getting by the obstructions below that point, would in a short time swell the commerce of the Tennessee into a tide not surpassed by the trade on any of the tributaries of the Mississippi; this legislature has passed an act authorizing commissioners, under certain restrictions, to lease out said canal to a private company, for a period not beyond ninety-nine years. The company are authorized by said act (Congress first assenting) to charge twenty dollars on each flat or keel boat passing through said canal, and forty cents on each tow, of the registered measurement, of steamboats and other water crafts ascending or descending. All public property or persons in the employ of the general government are exempt from toll by said act. Your memorialists pray that Congress may, during the present session, give its assent to the rates of toll as fixed by the act referred to, with this restriction, that the lessees shall make biennial reports to the legislature of this State, verified by the oaths of the president and secretary of the company, embracing a statement of the actual investment of capital in the repairs and reconstruction of said canal, and the entire expense of keeping said canal in repair and attending it; also a statement of the entire amount of the tolls and income arising from the use of said canal. And the legislature shall reserve the power to graduate the rates of toll on said canal, so as to prevent the net income on the entire investment of said company from exceeding twenty per cent. per annum. Therefore,

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing memorial; and that his excellency the governor cause copies of this memorial to be forwarded to each of our Senators and Representatives in Congress; and to forward to them, jointly, a copy of the act of this General Assembly in relation to leasing said canal.

LEROY P. WALKER,

*Speaker of the House of Representatives.*

JOHN A. WINSTON,

*President of the Senate.*